IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 29602 of 2007(Y)

PETITIONER:

JINCY EMMANUEL, AGED 38,
D/O. N.K. EMMANUEL, PROPRIETOR, DIAMOND DRESSES,
ARUKALIL HOUSE, MYLACOMBU P.O., THODUPUZHA.

BY ADV. SRI.JOHNSON MANAYANI
SRI.PIUS K.NEDUMGATTU

RESPONDENTS:

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1. KERALA FINANCIAL CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR.

2. THE MANAGER,
KERALA FINANCIAL CORPORATION, BRANCH OFFICE,
THODUPUZHA-685 584.

3. DEPUTY TAHSILDAR (R.R),
KERALA FINANCIAL CORPORATION, GEETHA TRADE CENTRE,
M.C. ROAD, KOTTAYAM.

4. DISTRICT COLLECTOR,
COLLECTORATE, IDUKKI.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD
SRI.V.B. UNNIRAJ SC FOR KFC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, ALONG WITH W.P.(C).29573/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C)s. 29602/2007 & 29573/2007

Dated this the 10th day of October, 2007

JUDGMENT

Petitioners were proceeded against by the first respondent, Corporation, as they defaulted the payments due. Thereafter, they had availed of the benefit of One Time Settlement scheme and the liability of the petitioners have been discharged fully. Subsequently when the petitioners asked for return of the documents, first respondent has informed them that only on payment of Revenue recovery collection charges documents can be released. It is at that stage these writ petitions have been filed.

2. It is a fact that though revenue recovery proceedings were initiated, no amount was realised from the petitioners. In such situation, petitioners cannot be called upon to make the payment of collection charges that are due to the Revenue Recovery Authorities. This position has been settled by a judgment of this Court in **Bhaskaran v. Sub Registrar (2005 (3) KLT 150).**

In the light of the said decision, there is no justification for the first respondent to deny release of the documents to the petitioners.

3. Accordingly I dispose of this writ petition directing the first respondent, Corporation, to release the documents of the properties that are mortgaged by the petitioners immediately on receipt of a copy of this judgment.

ANTONY DOMINIC
Judge

mrcs